



05 JUL 2006

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|                                    |   |                 |
|------------------------------------|---|-----------------|
| In re Application of               | : |                 |
| MERLE, Gilles et al.               | : |                 |
| Application No.: 10/541,510        | : | DECISION ON     |
| PCT No.: PCT/FR03/50202            | : |                 |
| Int. Filing Date: 22 December 2003 | : | PETITION UNDER  |
| Priority Date: 24 December 2002    | : |                 |
| Attorney Docket No.: 274880US2PCT  | : | 37 CFR 1.137(b) |
| For: METHOD AND SYSTEM FOR         | : |                 |
| SECURING SCRAMBLED DATA            | : |                 |

This decision is in response to applicant's notation listing the fee for a petition to revive under 37 CFR 1.137(b) on the transmittal letter submitted to the United States Patent and Trademark Office on 08 July 2005.

### **BACKGROUND**

On 22 December 2003, applicant filed an international application number PCT/FR03/50202. A copy of the international application was transmitted to the Office by the International Bureau on 15 July 2004. The thirty month period for entering the national stage in the United States expired at midnight on 24 June 2005.

On 08 July 2005, applicants filed transmittal letter for entry into the national phase in the United States accompanied by the basic national fee and the fee for revival of an unintentionally abandoned application.

### **DISCUSSION**

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) the required reply, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995). Pursuant to 37 CFR 1.137(b)(3), additional information may be required where there is a question whether the delay was unintentional.

Items (2), (3) and (4) have been satisfied. The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995.

Item (1) has not been satisfied. Applicant has not made the required statement of unintentional delay.

**CONCLUSION**

For the above reasons, applicant's petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

The application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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